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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,993	03/10/2004	Wesley M. Mays	114944-00451	2242
27557	7590	01/25/2006	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/795,993

Applicant(s)

MAYS, WESLEY M.

Examiner

DARYL C. POPE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1,3-7,9-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson(6,633,238).**

-- In considering claim 1, the claimed subject matter that is met by Lemelson includes:

- 1) the antenna is met by the antenna(68);
- 2) the sub processor module is met by the signal routing and control circuitry(76);
- 3) the user interface system is met by the heads up display(70);
- 4) the communications medium is met by the interconnection circuitry for the

various components of the system as seen in figure 6.

-- With regards to claim 3, the sub processor module including a communication sub processor for processing and integrating data with a vehicle bus is met by the signal routing and control circuitry being able to couple and interconnect various system elements via signal multiplexing control circuitry(see: column 10, lines 55-58).

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-- With regards to claim 4, the external source including an external communications module is met by the intelligent intersection controller as seen in figure 5.

-- With regards to claim 5, the user interface system including a heads up display module is met by the heads up display(70).

-- With regards to claims 6-7, the communication medium including wireless technology is met by the wireless radio (TX/RX)(66).

-- With regards to claim 9, the communication medium being hard wired is met by the vehicle communications system being hard-wired in the vehicle.

-- Claims 10-11 recites subject matter that is met as discussed in claim 1 above.

-- With regards to claim 12, the transmitting data to a highway infrastructure is met by the two way voice communications from the radio(66) to the central control station(see: column 11, lines 12-20).

-- Claim 13 recites subject matter that is met in claim 6 above.

-- Claim 16 recites subject matter that is met in claim 5 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,8, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al(6,633,238).

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-- In considering claim 2, the examiner takes Official Notice that in the vehicle communication art, use of antenna located in a vehicle windshield is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the antenna of Lemelson into the vehicle windshield, since this would have conserved space and as well would have helped alleviate damage to the windshield.

-- With regards to claims 8 and 14, use of Bluetooth technology as a wireless communications medium is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Bluetooth technology in place of the radio communications, since Bluetooth technology is inexpensive and reliable and causes less interference with reception of signals.

-- With regards to claim 15, the examiner takes Official notice that in the vehicle art, use of received processed data being conveyed to a vehicle engine control processor is well known, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this limitation into the system of Lemelson, since it would have facilitated providing control signals to various components of the vehicle, including the vehicle engine.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is (571) 272-2959. The examiner can normally be reached on M-TH 8:00-6:30.

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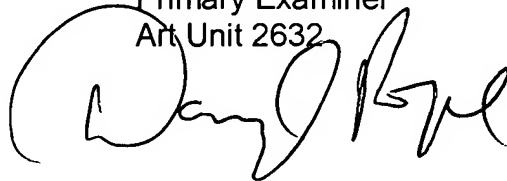
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

June 26, 2005

DARYL C POPE
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daryl C. Pope', is written over the printed name and title.